

**REMARKS**

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks. Claims 4-7, 13-27, 29, 31-32 and 35 are pending in the application, with claims 15, 21, 25, and 35 being the independent claims. The Applicants respectfully submit that these amendments introduce no new matter. Based on the above Amendments and the following Remarks, the Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections. Withdrawal of the previous rejections of the claims for lack of enablement is acknowledged with appreciation.

***Objection to Claims 33-35 As Duplicative***

Claims 33-35 were objected to as being substantial duplicates of claim 25. In order to expedite prosecution, claims 33 and 34 have been canceled without prejudice. Claim 35 is distinguishable from claim 25 at least because the former does not recite “generating test spectral data from a second aliquot of the mixture.”

Accordingly, the Applicants respectfully submit that the claims as amended are not duplicative.

***The Claims As Amended Define Statutory Subject Matter***

Claim 35 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because the claim was said to lack a physical transformation of matter or a practical application. As amended, claim 35 now recites limitations drawn from claim 13, such that claim 35 requires the determination of a practical outcome, *i.e.*, whether the bioassay is or is not functioning properly.

Accordingly, the Applicants respectfully submit that claim 35 as amended is directed to statutory subject matter.

***The Claims As Amended Are Definite***

Claims 4-7, 13-27, 29 and 31-35 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as being indefinite. Specifically, claims 15, 21, 25, 33, 34 and 35 were rejected because the phrase “a method for evaluating the results from a bioassay process” was said to require clarification. These claims also were rejected because the phrase “determining whether the displacement in the n-dimensional space of the test centroid exceeds a predetermined distance from the control centroid” was said to be unclear with regard to what the results of the “determining step” were.

The Applicants respectfully submit that a person skilled in the art would understand that the results to which the preamble of the claim refers are the spectral data and associated locations in n-dimensional space of centroids derived from selected features of these data. The specification explains, for example in paragraphs 0013, 0040 and 0043, that deviation of test and control centroids may indicate that calibration of equipment may be needed, new reagents should be prepared, or that the type of biochip has changed in a manner that affects the spectral data of the bioassay.

Furthermore, claims 15, 21 and 25 have been amended to clarify that the step of determining the displacement between the test and control centroids provides “an indication of whether the bioassay has generated unreliable results.” Claim 35 was amended as discussed above to include the limitations of claim 13 that recite the determination of a practical outcome, *i.e.*, whether the bioassay is or is not functioning properly. Finally, as indicated above, claims 33 and 34 have been canceled. Thus, the rejections of claims 33 and 34 are rendered moot.

Accordingly, the Applicants respectfully submit that the pending claims as amended are definite.

***Information Disclosure Statement***

The Applicants note that an information disclosure statement was filed on April 6, 2006. The Applicants respectfully request that the Examiner consider the references cited in such information disclosure statement and that the Examiner provide an indication that such references have been considered.

**CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

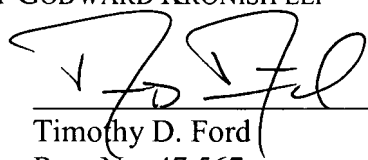
Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: April 19, 2007

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Respectfully submitted,  
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